

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARVIN JUNIUS SIMMONS,	:	
Plaintiff	:	
vs.	:	CIVIL NO. 1:CV-10-0770
	:	(Judge Caldwell)
JANINE DONATE, Warden, et al.,	:	(Magistrate Judge Blewitt)
Defendants	:	

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Upon consideration of the Report and Recommendation of Magistrate Judge Blewitt, filed April 23, 2010, to which no objections have been filed, it is Ordered that the Report is approved. Pursuant to Judge Blewitt's recommendation it is also

Ordered as follows:

- 1) Plaintiff's motion to proceed in forma pauperis is granted solely for the purpose of filing this action.
- 2) All claims against Warden Donate are dismissed with prejudice.
- 3) Inasmuch as the claims in this case against defendants Mallick and Talutto duplicate the claims made in 1:CV-10-0739, the Clerk of Court shall consolidate this case with 1:CV-10-0739 and shall close this file.

/s/William W. Caldwell
William W. Caldwell
United States District Judge

Date: May 21, 2010